

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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GABRIEL LEE, A036574861,

Petitioner,

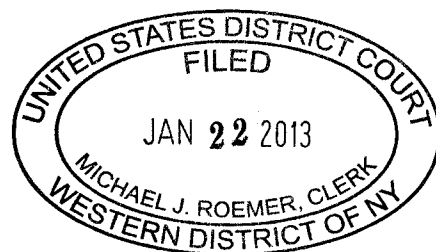
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DECISION AND ORDER  
13-CV-0026C

ERIC H. HOLDER, Attorney General of the  
United States, MICHAEL PHILIPS, Field  
Office Director for Detention and Removal,  
Buffalo Field Office, Bureau of Immigration  
and Customs Enforcement, DEPARTMENT  
OF HOMELAND SECURITY, TODD TRYON,  
Facility Director, Buffalo Federal Detention  
Facility,

Respondents.

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Petitioner Gabriel Lee, who is currently detained at Buffalo Federal Detention Facility pursuant to a final order of removal, seeks relief pursuant to 28 U.S.C. § 2241 as more fully set forth in the petition. Petitioner has paid the \$ 5.00 filing fee.

IT HEREBY IS ORDERED as follows:

1. Within **45 days** of the service of this Order, respondents shall file and serve an **answer** to the application with the Clerk of Court which shall respond to the allegations of the petition. Alternatively, in the appropriate case, respondents may file a motion to dismiss the petition, accompanied by pertinent exhibits which demonstrate that an answer to the petition is unnecessary, by no later than **45 days** from service of this Order.

Respondents also shall file and serve by the above date a **memorandum of law** with the Clerk of Court addressing each of the issues raised in the petition and

including citations of relevant supporting authority. Respondents are directed to accompany all citations to sections of the Immigration and Naturalization Act with reference to the appropriate sections of 8 U.S.C..

Petitioner shall have **25 days** upon receipt of the answer to file a written response to the answer and memorandum of law (or motion to dismiss).


2. The Clerk of Court shall serve a copy of the petition, together with a copy of this Order, by certified mail, upon the following:

- Facilities Director, Buffalo Federal Detention Center, 4250 Federal Drive, Batavia, New York 14020;
- Office of General Counsel, Department of Homeland Security, Washington, D.C. 20528;
- Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues N.W., Washington, D.C. 20530; and
- United States Attorney for the Western District of New York, Civil Division, 138 Delaware Avenue, Buffalo, New York 14202.

**THE PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND CORRESPONDENCE TO THE ATTORNEY APPEARING FOR THE RESPONDENTS.**

SO ORDERED.

Dated: JAN 18, 2013  
Rochester, New York

  
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CHARLES J. STRAGUSA  
United States District Judge